

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS) No. MD-15-02641-DGC
PRODUCTS LIABILITY LITIGATION)
) **SECOND AMENDED MASTER**
) **SHORT FORM COMPLAINT FOR**
) **DAMAGES FOR INDIVIDUAL**
) **CLAIMS AND DEMAND FOR JURY**
) **TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Cindy Harwell

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

Robert Harwell

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

Robert Harwell – executor

1 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
2 the time of implant:

3 Wisconsin

4 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
5 the time of injury:

6 Wisconsin

7 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

8 Wisconsin

9 7. District Court and Division in which venue would be proper absent direct filing:

10 U.S. District Court for the Western District of Wisconsin

11 8. Defendants (check Defendants against whom Complaint is made):

12 ☒ C.R. Bard Inc.

13 ☒ Bard Peripheral Vascular, Inc.

14 9. Basis of Jurisdiction:

15 ☒ Diversity of Citizenship

16 ☐ Other: _____

17 a. Other allegations of jurisdiction and venue not expressed in Master
18 Complaint:

19 _____
20 _____
21 _____

22 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
23 claim (Check applicable Inferior Vena Cava Filter(s)):

24 ☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☒ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implementation as to each product:

5/17/2012

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence – Design

☒ Count V: Negligence – Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Wisconsin Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☒ Count XV: Loss of Consortium
- ☒ Count XVI: Wrongful Death
- ☒ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

RESPECTFULLY SUBMITTED this 5th day of May, 2016.

BARON & BUDD, P.C.

By: /s/ Laura Baughman
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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Laura Baughman
Laura J. Baughman